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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY *et al.*) Case No. C 10-01501 JCS

Plaintiffs.

**PARTIES' STIPULATION AND
[PROPOSED] ORDER RE: DEADLINE
FOR MOTION FOR ATTORNEYS' FEES**

KEN SALAZAR, in his official capacity as Secretary of the Interior, *et al.*,

Defendants.

1 WHEREAS, in the above-captioned case:

2 1. A joint Stipulation of Dismissal and Order was entered by the Court on October 6,
3 2011 (Doc. 49).

4 2. In the Stipulation of Dismissal and Order, the Plaintiffs and Defendants agreed that,
5 notwithstanding dismissal of this action, the Court retains jurisdiction to consider any stipulation or
6 motion concerning an award of costs and attorneys' fees pursuant to section 11(g)(4) of the
7 Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g)(4). Doc. 49 at 2.

8 3. In the Stipulation of Dismissal and Order, the Plaintiffs and Defendants also stated
9 that they would attempt to reach agreement as to fee recovery and, absent such agreement, that
10 Plaintiffs would file an application with the Court for the recovery of fees and costs within 60 days
11 of the approval of the Order by the Court. Doc. 49 at 2. Based on the date of entry of the Order, the
12 60-day deadline would fall on December 5, 2011.

13 4. Plaintiffs have presented Defendants with a confidential request to settle their claim
14 for attorneys' fees and costs, which includes the amount sought to date, an itemized statement of the
15 actual time expended by attorneys representing or appearing on behalf of the Plaintiffs, and the rates
16 at which fees and other expenses were computed. However, discussions regarding Plaintiffs' request
17 are ongoing, and Plaintiffs and Defendants seek additional time to attempt to settle Plaintiffs' claim
18 without unnecessarily burdening the Court. Plaintiffs and Defendants agree that briefing and
19 argument on Plaintiffs' claim for attorneys' fees and costs may be unnecessary in light of the parties'
20 intent to attempt to settle this claim.

21 5. Other than as described above, Plaintiffs and Defendants have not previously sought
22 an extension of time for briefing on Plaintiffs' claim for attorneys' fees and costs.

23 6. Accordingly, pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs and Defendants
24 hereby stipulate and request that the Court extend for 60 days the time for any motion concerning an
25 award of attorneys' fees and costs pursuant to ESA section 11(g)(4), or until February 3, 2012.

1 DATED: December 1, 2011

Respectfully submitted,

2
3 /s/ George M. Torgun
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18 /s/ Daniel Pollak (as authorized 12/1/11)
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1 **[PROPOSED] ORDER**
2

3 PURSUANT TO STIPULATION, IT IS SO ORDERED.
4

5 DATED: 12/2/11
6

